

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TIMOTHY W. MCREAKEN,

Plaintiff,

v.

CHAMPION HOME BUILDERS, INC.,
SOUTHEASTERN HOMES, and
KKN MAIN STREET MOBILE, INC.,

Defendants.

Case No. 3:20-CV-521-GCS-NJR

ORDER ADOPTING REPORT AND RECOMMENDATION

ROSENSTENGEL, Chief Judge:

Pending before the Court is the Report and Recommendation of Magistrate Judge Gilbert C. Sison (Doc. 23), which recommends that the undersigned Chief District Judge dismiss Plaintiff Timothy McReaken's claims against Defendant Southeastern for want of prosecution.

On August 12, 2020, Judge Sison issued a Notice of Impending Dismissal, informing McReaken that his claims against Defendant Southeastern Homes would be dismissed for want of prosecution unless he moved for an entry of default under Federal Rule of Civil Procedure 55(a) on or before September 2, 2020 (Doc. 20). Because McReaken failed to move to dismiss Southeastern Homes by the deadline, on September 9, 2020, Judge Sison entered the Report and Recommendation currently before the Court. Objections to the Report and Recommendation were due by September 23, 2020.

On September 10, 2020, the undersigned received correspondence from Plaintiff stating he has no objection to the dismissal of Southeastern Homes, as that entity has

dissolved and was never served in this action. Neither co-defendant objected to the Report and Recommendation.

Where no party objects to a Report and Recommendation, this Court need only review the Report and Recommendation for clear error. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). The Court may then “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

Finding no clear error, the Court **ADOPTS** Judge Sison’s Report and Recommendation (Doc. 23) and **DISMISSES** Plaintiff Timothy McReaken’s claims against Southeastern Homes. Southeastern Homes shall be **TERMINATED** as a party to this action.

IT IS SO ORDERED.

DATED: September 24, 2020

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive, flowing style. Behind the signature, there is a faint, circular official seal of the United States District Court for the District of Columbia.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge